IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SEVENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO: 15925 of 2004

Between:

1 C.Hari Rama Rao, S/o.C.E.Vidya Sagar, T.No.66/9
M/s.Bakelite Hylam Ltd., Sanathnagar, Hyderabad.
2 R.Srinivas, S/o.Late R.Surya Narayana, T.No.676,
M/s. Bakelite Hylam Ltd., Sanathnagar, Hyderabad.
3 Mohd Gouse, S/o.SK.Mahaboob, T.No.861,
M/s. Bakelite Hylam Ltd., Sanathnagar, Hyderabad.
4 A.Srinivasulu, S/o.A.Narsaiah, T.No.5478,
M/s.Bakelite Hylam Ltd., Sanathnagar, Hyderabad.
5 S.M.A.Qureshi, S/o.Khaja Qureshi, T.No.676,
M/s.Bakelite Hylam Ltd., Sanathnagar, Hyderabad.

..... PETITIONERS

AND

1 The Deputy Commissioner of Labour, Twin Cities, Hyderabad

T.Anjaiah Bavan, Ashoknagar, Hyderabad.
2 The Asst.Commissioner of Labour, Hyderabad Circle-I, T.Anjaiah

Bavan, Ashoknagar, Hyderabad.
3 M/s.Bakelite Hylam Ltd., rep.by its M.D., Sanathnagar, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue appropriate writ, order or direction, more particularly writ of Mandamus, declaring the action of the respondents No.1&2 herein in not taking any action against the 3rd respondent management for recovery of the petitioners dues for 29 months of 50% of the monthly pension as per the VRS scheme-2001, as being illegal, arbitrary, and violative of Art.14, 16, and 21 of the constitution of India, consequently direct the respondents No. 1&2 herein to take necessary action for recovery of petitioner dues as per the VRS scheme-2001 for 29

months from the 3rd respondent herein, including issuance of recovery certificate and to initiate prosecution proceedings against the 3rd respondent management herein.

Counsel for the Petitioners: MR.SUDARSHAN REDDY DUDDUGUNTA

Counsel for the Respondent Nos.1 & 2: GP FOR LABOUR

Counsel for the Respondent No.3:

The Court at the stage of admission made the following:

HONOURABLE DR. JUSTICE G.YETHIRAJULU

WRIT PETITION NO.15925 OF 2004

ORDER:

The petitioners worked under the third respondent-Company. They were employed in various works for more than ten years. The management decided to declare Voluntary Retirement Scheme, 2001 by leaving option to the individual employees. The petitioners submitted their applications for VRS, and they were accepted by the third respondent management, through individual letters dated 31-03-2001. As per the scheme, the management agreed to pay the salaries to the employees, who have taken VRS with effect from 01-04-2001, till the date of their attaining the age of superannuation of 58 years.

2. The petitioners are contending that they are entitled to various amounts as monthly pension etc., as mentioned in para 5 of the petition, which was said to be accepted by the third respondent management.

3. The grievance of the petitioners is that though the third respondent paid full amounts as per the Scheme from April, 2001, for two months in full, they started paying 50% of the pension amount, from March, 2002. Since there was no response from the third respondent management on the representations of the petitioners, they approached the Assistant Commissioner of Labour by filing applications under Section 33-(C) (1) of the Industrial Disputes Act, 1947 on 18-08-2004, but the second respondent Assistant Commissioner instructed the petitioners to approach the first respondent on the ground that the first respondent is the competent authority. Accordingly they submitted an application on 18-08-2004 to the first respondent.

4. The grievance of the petitioners is that the first respondent is not

taking any steps in the matter. Therefore, they approached this Court seeking a direction to the first respondent to expedite the matter and to pass appropriate orders on the applications made by the petitioners.

5. In the light of the circumstances explained by the petitioners, the first respondent is directed to take appropriate steps according to law on the application dated 18-08-2004 filed by the petitioners under Section 33-(C) (1) of the I.D.Act, 1947.

6. The Writ Petition is accordingly disposed of. No order as to costs.

Dr. G.YETHIRAJULU, J

07th September, 2004

SKM

TO

1 The Deputy Commissioner of Labour, Twin Cities, Hyderabad

T.Anjaiah Bavan, Ashoknagar, Hyderabad.

2 The Asst.Commissioner of Labour, Hyderabad Circle-I, T.Anjaiah

Bavan, Ashoknagar,Hyderabad.

3 The Managing Director, M/s.Bakelite Hylam Ltd., Sanathnagar,

Hyderabad.

4 Two C.Cs. to G.P. for Labour, High Court Buildings,

High Court of A.P., Hyderabad. (OUT)

5 Two C.D. Copies.